

SWANK MOTION PICTURES, INC. PUBLIC PERFORMANCE LICENSING AGREEMENT FOR CORRECTIONAL INSTITUTIONS

This AGREEMENT is made on this 21ST day of May, 2018, between Texas Juvenile Justice Department ("Licensee" herein) and SWANK MOTION PICTURES, INC. ("Swank" herein), a Missouri corporation.

1. Subject Matter and Term of Agreement

A. Swank is an authorized distributor of copyrighted motion picture videocassettes and videodisc ("DVDs" herein) for non-theatrical public performances. Swank desires to license DVDs to Licensee for public performance exhibition. Licensee desires to exhibit DVDs licensed from Swank on the terms and conditions set forth herein.

The term of this Agreement shall commence on September 1, 2018 and continue through August 31, 2019, after which day it shall expire unless renewed or renegotiated by mutual agreement of the parties.

2. License

Producers listed are those supplying titles at the time of this printing.

During the term of this contract, Swank shall license Licensee for public performance in its facility on the terms and conditions set forth herein. New facilities added during the term of this contract will require an amendment agreed to in writing by both parties. During the contract period, Licensee may exhibit DVD for showings only at its location(s) listed in Exhibit A. Licensee shall be entitled to choose from Swank's current and future list of available movies for public performance purposes which includes titles distributed by Paramount Pictures, Warner Bros, Bleecker Street, Fine Line Features, Lorimar Productions, New Line Cinema, Picturehouse, RKO Films, The Ladd Company, Turner Pictures, Warner Independent Pictures, Warner Premier, A24 Films, STX Entertainment, MGM/UA, American International, Orion, United Artists, Lions Gate Films, Trimark, Sony Pictures, Columbia Pictures, Epic Productions, Tristar Pictures, Triumph Films, Paramount Vantage, NBC Universal Pictures, Polygram, Focus Features, Gramercy, October Films, USA Films, Summit Entertainment, The Weinstein Company, Buena Vista Distribution, Hollywood Pictures, Miramax, Touchstone Pictures and Walt Disney Pictures. Rentals and or purchases of titles covered by this Agreement are at the expense of the Licensee.

3. Terms

In consideration of the License, Texas Juvenile Justice Department shall pay Swank a License Fee of \$5,533.91, payable in one installment upon receipt of invoice.

4. Payment

Invoice is due and payable upon receipt.

5. Advertising

These motion pictures are specifically licensed for non-theatrical showings only. Promotion or advertising outside the Facility is strictly prohibited.

6. Warranties

Swank warrants that:

Swank is authorized by the copyright owners of the DVDs distributed by Swank to license the "DVDs" to others for non-theatrical public performance purposes.

SWANK MOTION PICTURES, INC.
PUBLIC PERFORMANCE LICENSING AGREEMENT
continued

7. Notices

All notices to be given hereunder shall be in writing or delivered personally or mailed by pre-paid certified or registered mail (return receipt requested) as follows:

If to Swank:

SWANK MOTION PICTURES, INC.,
10795 Watson Road
St. Louis, Missouri 63127
Attn: John Kersting
Institution Sales Manager

If to Licensee:

Texas Juvenile Justice Department
P.O. Box 12757
Austin, Texas 78711
Attn: William Walk
Purchasing

or to such other addresses as the parties shall specify, or by written notice so given, and shall be deemed to be given as of the date so delivered or mailed.

8. Applicable Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Texas.

EXECUTED on the day and year first above written.

EXHIBIT A

LOCATION: Texas Juvenile Justice Department
2017-18 Facilities Covered

Evins Regional Juvenile Cntr.
Edinburg TX 78541
Gainesville State School
Gainesville TX 76240
Giddings State School
Giddings TX 78942
McLennan County State Juvenile Correctional Fac.
Mart TX 76664
Ron Jackson State Juvenile Correctional Complex
Brownwood TX 76801
Ayres HWH
San Antonio, TX 78266
Brownwood House
Brownwood, TX 76801
Cottrell HWH
Dallas, TX 75227
McFadden Ranch
Roanoke, TX 76262
Schaeffer HWH
El Paso, TX 79938
Edna Tamayo HWH
Harlingen, TX 78550
Willoughby HWH
Fort Worth, TX 76116

SWANK MOTION PICTURES, INC.

By 
John Kersting
Institution Sales Manager

Texas Juvenile Justice Department

By 

Name Camille Cain

Title Executive Director